

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISON

LATINOS FOR TRUMP, BLACKS
FOR TRUMP, JOSHUA MACIAS,
M.S., B. G., J.B., J.J.,

Plaintiffs.

V.

PETE SESSIONS, MITCH
McCONNELL, NANCY PELOSI,
MARK ZUCKERBERG, CHUCK
SCHUMER, ALEXANDRIA
OCASIO-CORTEZ, BRAD
RAFFENSPERGER, ALL
MEMBERS OF THE 117TH U.S.
CONGRESS, et al.,

Defendants.

CIVIL ACTION NO. 6:21-CV-43

JURY TRIAL REQUESTED

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

COME NOW, Latinos for Trump, Blacks for Trump, Joshua Macias, M.S., B. G., J.B., J.J., (collectively, “Plaintiffs”), by and through their attorneys, Paul M. Davis, and Kellye SoRelle, and file this their Emergency Motion for Temporary Restraining Order (“Motion”) to this Honorable Court and, in support thereof, respectfully represent as follows:

A. Plaintiffs' Desperate Plea Calling on the Courage of This Court to Grant Their Emergency Motion

1. Plaintiffs are clearly not the first group of Black and Latino voters deprived of their right to legally cast a vote in a federal election, but they ***are*** the first such group to stand in the gap on behalf of all citizens and residents of the Republic, regardless of race, color, religion, creed, sex, or national origin (collectively, including Plaintiffs, the “People”). Plaintiffs’ urgent plea before this Honorable Court is to now join with them, in this current Constitutional Crisis, when all other safeguards set forth in the Constitution of the United States for checks and balances on unlimited, tyrannical government power have been breached, to muster the same courage displayed by the Founding Fathers¹ of our Republic, who so willingly and boldly sacrificed their blood, their tears, their fortunes, whether meager or vast, and even their very lives, to win their freedom from a tyrannical monarchy across the ocean.

B. The “Political Question Doctrine” Does Not Apply

2. This Complaint assumes that the courage of the Court does in fact match that of Plaintiffs’ and their undersigned counsels’ act in filing this Complaint. By filing this lawsuit exposing the shocking illegal acts of the Defendants in furtherance of their conspiracy to crush the freedom and individual rights of the People by replacing our republican form of government with an illegitimately-elected Congress and President-Elect, Plaintiffs and Counsel have essentially signed their own death warrants, or at least the chance at any meaningful career, at the hands of powerful

¹ Those brave patriots who laid down their lives for freedom from tyranny in the Revolutionary War and/or those who signed the Declaration of Independence and/or those who framed the Constitution of the United States.

figures who acted, funded, directed, and/or otherwise conspired in furtherance of the evil scheme to strip all power of self-government from the People .

3. One excuse that may be urged on the Court to sidestep this Complaint is the “Political Question Doctrine.”² The Supreme Court has long held that Congress is the sole arbiter of whether the guarantee of a republican form of government in Article IV, Section 4 has been violated on the basis that this issue is a “political question” that can only be decided by Congress. Any notion that granting the Motion or any relief requested in this lawsuit would violate the Political Question Doctrine should be categorically dismissed. Denying Plaintiffs relief on the grounds that this is a political question for Congress would be tantamount to entrusting a bank robber with deciding his own verdict. Whereas Congress took their oaths of office to “support and defend the Constitution” on January 3, 2021, after being illegally elected in gross violation of their own duly-enacted election statute—specifically, the 2002 Help America Vote Act, 42 U.S.C §§ 15301 *et seq.*, as amended (“HAVA”)—no conflict of interest could be more obvious.

C. There Are No Issues of Standing, Laches, or Ripeness.

4. Many federal courts, including the Supreme Court, have avoided reviewing evidence related to any of the 2020 post-election lawsuits by summarily dismissing such lawsuits on grounds of standing, laches, or, in the case of the 2021 Georgian Senate Runoff, ripeness of claim. To undersigned counsels’ knowledge, not a single federal court has held an evidentiary hearing regarding these lawsuits

² See, e.g., *Baker v. Carr*, 369 U.S. 186 (1962).

5. Here, however, Plaintiffs clearly have civil rights injuries under the various statutes pleaded in this suit since there is no more fundamental injury to the rights of a U.S. Citizen than public officials acting under color of law to deprive Plaintiffs of their sacrosanct right to cast a legal ballot in the election of their representatives to the federal government without due process of law, once that right has been extended.³ Plaintiffs have standing to sue federal officials where they act alongside state or local officials,⁴ as is clearly the case where state and local officials made unlawful changes to election procedures in violation of HAVA.

6. There is no issue of laches because none of the Plaintiffs were aware of the extent to which the states had violated HAVA in the 2020 congressional elections until they hired undersigned counsel to look into the various election laws. Even if they had been aware, it is axiomatic that a criminal or tortious act is rarely foreseeable, and it was certainly not foreseeable to Plaintiffs that the 117th Congress would take their oaths and be seated in gross violation of federal election law. Moreover, if Plaintiffs had filed prior to January 3, 2021, a court could have sought to deny Plaintiffs' claims on the grounds that Plaintiffs' injury was not yet ripe because the result of the election had not yet occurred. Now, however, there is no doubt Plaintiffs' causes of action are ripe since the harm to Plaintiffs came to fruition on January 3, 2021, when the 117th Congress was seated in violation of HAVA.

D. Grounds for Ex Parte Temporary Restraining Order and Preliminary Injunction.

³ See generally, *U.S. v. Tex.*, 252 F. Supp. 234, 250–51 (W.D. Tex.), *aff'd sub nom. Tex. v. U.S.*, 384 U.S. 155, 86 S. Ct. 1383, 16 L. Ed. 2d 434 (1966) (in substantive due process voting rights case involving Texas poll tax, describing the right to vote as “our most ‘precious’ right”).

⁴ *E.g., Tongol v. Usery*, 601 F.2d 1091 (9th Cir. 1979).

7. Plaintiffs hereby incorporates all allegations and exhibits set forth in their Original Complaint and Application for Injunctive Relief (Doc. No. 1) (the “Complaint”). This Motion is supported by the Sworn Declaration of Joshua Macias (“Macias”), attached hereto as Exhibit A (the “Macias Declaration”) and the expert report of Steve Vanderbol III entitled “Global Risk Analysis: Special Report. United States of America” attached hereto as Exhibit B along with Mr. Vanderpol’s CV attached hereto as Exhibit C.

8. The facts alleged in the Complaint and the evidence attached in support of the relief requested is voluminous because the Defendants’ violations of HAVA were numerous. In support of this Motion, however, Plaintiffs will demonstrate one simple case of injury to one of the Plaintiffs and the threat of immediate and irreparable harm.

9. Mr. Macias voted in the 2020 Federal Election in North Carolina. See Exhibit A. HAVA requires that, if a voter registers to vote by mail to vote for the first time in a federal election, that voter must submit a form of identification with their application and also must submit identification with the ballot upon voting. See 42 U.S.C. 21083. North Carolina voting law does not, however, require identification to be submitted when the ballot is mailed in. See N.C.G.S.A. § 163-234. Therefore, North Carolina mail-in ballots are patently illegal under HAVA. This clearly injures Mr. Macias as a North Carolina voter in one of two ways. First, if Mr. Macias voted by mail in the federal elections in North Carolina, then his ballot was illegal under federal law and he would be deprived of his legal right to vote. On the other hand, if

Mr. Macias voted in person in the North Carolina election, then his vote would be diluted by the illegal mail-in ballots, which is an equal protection claim. Undersigned counsel would clarify whether Mr. Macias voted in person, but the truth of the matter is that its 1:54 AM and Mr. Macias is asleep while counsel has not slept in two nights drafting this lawsuit. But this fact is immaterial because either way, Mr. Macias is injured.

10. Plaintiffs are entitled to an Ex Parte Temporary Restraining Order against Defendants on the following grounds:

11. **Plaintiffs will certainly suffer immediate and irreparable harm** if the Court does not immediately enter the temporary injunctive relief requested herein (the “TRO”).⁵ If the Defendants and the illegitimate Congress their actions installed are able to continue govern the Republic, it will cease to be a republic. It may become a true RINO “*republic* in name only” in the sense that the “People’s Republic of China” contains the word “Republic,” although it is common public knowledge that the China does not in any way belong to its people. It belongs to a tyrannical, authoritarian, communist police state that engages in atrocities against humanity, including the active persecution of proponents of free speech, democracy, Christians, and anyone else who poses a view that does not demonstrate absolute and unquestioning loyalty to the state and whatever ideologies it chooses to cram down the throats of its citizens. The risk of the United State government descending into

⁵ Fed. R. Civ. P. 65(b)(1); *Fairchild Semiconductor Corp. v. Third Dimension (3D) Semiconductor, Inc.*, 564 F. Supp. 2d 63, 66–68 (D. Me. 2008); *Nw. Airlines, Inc. v. Bauer*, 467 F. Supp. 2d 957, 963–64 (D.N.D. 2006); *see Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

such an oppressive police state is tangible and imminent if the government ceases to be accountable to the People, as occurred in the illegal 2020 Federal Election. This risk is evidence from even a cursory review of the history of government power grabs.

12. Furthermore, as set forth in the expert report of Steve Vanderbol entitled “Global Risk Analysis: Special Report,”⁶ the involvement of Mr. Vanderbol has 27 years of experience operating multi-national, multi-spectrum corporations with assets exceeding many billions of dollars, and is, accordingly, an expert on how geopolitical events affect the financial markets.⁷ In Mr. Vanderbol’s expert opinion, based on an extensive amount of research as demonstrated in his report, the Constitutional Crisis created by the acts and omissions of Defendants set forth herein compel the conclusion that, if the Court does not grant the TRO to prevent the illegitimate Congress and President-Elect from taking control of the U.S. Government, the economy of the United States will become unstable and cease to be a “safe haven” for financial investors. If investors come to view their investments in assets held in the United States as inherently unstable due to the Constitutional Crisis, it is clear that would have a devastating effect on the Plaintiffs’ ability to plan for retirement by investing in 401(k)s, IRAs, or other such accounts.

13. **Thus, there is no adequate remedy at law**⁸ because it would be impossible to calculate an appropriate amount of monetary damages that would compensate Plaintiffs for such harm. Indeed, no one could even guarantee that

⁶ Exhibit 3: Global Risk Analysis: Special Report, by Steve Vanderbol

⁷ Exhibit 4: CV of Steve Vanderbol.

⁸ *Prudential Ins. Co. of Am. v. Inlay*, 728 F. Supp. 2d 1022, 1030–31 (N.D. Iowa 2010); *see Ruggieri v. M.I.W. Corp.*, 826 F. Supp. 2d 334, 336 (D. Mass. 2011).

Defendants would have sufficient financial assets available for legal damages if the U.S. financial market begin to experience prolonged instability or even total collapse, especially given that the U.S. Government is close to \$30 trillion in debt and the Federal Reserve Notes known as “Dollars” ceased to be back by gold over 100 years ago. It is also obvious that the risk of permanent deprivation of the right to vote in federal elections, which could be lost forever if the Defendants are not restrained from further action and the Acts of Congress, taken after January 3, 2021 are not restrained from having legal effect.

14. **There is a substantial likelihood that Plaintiffs will prevail on the merits of their claims.**⁹ As described in the introductory section of this Complaint, though this is a complex suit with regard to the factual allegations regarding a widespread conspiracy to deprive the Plaintiffs of their rights, Plaintiffs’ right to relief is clear from the simple application of law to the following facts:

- (1) Plaintiffs cast ballots in the 2020 Federal Election;
- (2) The State of Texas and the other 50 states changed their 2020 Federal Election procedures in violation of the minimum standards of HAVA;
- (3) The 117th U.S. Congress was seated and took their oaths of office to defend and protect the Constitution by virtue of an election that took place in violation of HAVA;
- (4) Plaintiffs suffered injuries with no adequate remedy at law through deprivation of their substantive due process right to vote in the Federal Election and have and/or will suffer irreparable financial injury and further irreparable injury from loss of the republican form of government guaranteed in the Constitution;

⁹ *Prudential Ins. Co.*, 728 F. Supp. 2d at 1029; *Fairchild Semiconductor Corp.*, 564 F. Supp. 2d at 66–67.

15. The foregoing pattern occurred with each of the Plaintiffs in various ways, depending on the individual procedure in the state and whether they voted in person or by person. Plaintiffs offer the following clear example of harm that occurred to them in the example of Plaintiff Joshua Macias.

16. Mr. Macias voted in the 2020 Federal Election in North Carolina. See Exhibit A. HAVA requires that, if a voter registers to vote by mail to vote for the first time in a federal election, that voter must submit a form of identification with their application and also must submit identification with the ballot upon voting. See 42 U.S.C. 21083. North Carolina voting law does not, however, require identification to be submitted when the ballot is mailed in. See N.C.G.S.A. § 163-234. Therefore, North Carolina mail-in ballots are patently illegal under HAVA. This clearly injures Mr. Macias as a North Carolina voter in one of two ways. First, if Mr. Macias voted by mail in the federal elections in North Carolina, then his ballot was illegal under federal law and he would be deprived of his legal right to vote. On the other hand, if Mr. Macias voted in person in the North Carolina election, then his vote would be diluted by the illegal mail-in ballots, which is an equal protection claim. Undersigned counsel would clarify whether Mr. Macias voted in person, but the truth of the matter is that its 1:54 AM and Mr. Macias is asleep (and counsel has not slept in two nights drafting this lawsuit). But this fact is immaterial because either way, Mr. Macias is injured and has demonstrated Plaintiffs' substantial likelihood to prevail on the merits.

17. **The threatened harm to Plaintiffs outweighs the harm that a temporary restraining order would inflict on Defendants.**¹⁰ It is self-evident that the loss of the right to government by consent of the governed is far worse than any harm Defendants may suffer if the Court grants the TRO;

18. **Issuance of a temporary restraining order would not adversely affect the public interest and public policy.**¹¹ It is self-evident that preventing the loss of the right to government by consent of the governed is in the public interest.

19. **The Court should enter this temporary restraining order without notice to defendant** because Plaintiffs will likely suffer immediate and irreparable injury, loss, or damage if the order is not granted before Defendants can be heard because (1) the vast list of Defendants in disparate geographical locations makes service of process on short notice impracticable; (2) given that the allegations and evidence revealed in this Complaint could result in federal criminal prosecutions for various and severe high crimes and misdemeanors, including but not limited to sedition, treason, racketeering, malfeasance by public officials, wire fraud, mail fraud, etc., there is a high risk that Defendants will destroy evidence prior to being given notice of the TRO.

20. Plaintiffs are willing to post a bond in the amount the Court deems appropriate.

¹⁰ *Prudential Ins. Co.*, 728 F. Supp. 2d at 1031–32; *Fairchild Semiconductor Corp.*, 564 F. Supp. 2d at 66; see *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005).

¹¹ *Prudential Ins. Co.*, 728 F. Supp. 2d at 1032; *Midwest Retailer Associated, Ltd. v. City of Toledo*, 563 F. Supp. 2d 796, 812 (N.D. Ohio 2008).

21. Plaintiffs request a hearing on their Application for a Preliminary Injunction.

22. To avoid such imminent and irreparable harm to the Plaintiffs and, by extension, to the People, hereby request the Court enter a Temporary Restraining Order with the following injunctive relief:

- (1) Enjoin each illegitimate member of the 117th US Congress, named as a Defendant herein from taking any further legislative action;
- (2) Enjoin the legal enforcement of any action taken by the illegitimate members of 117th US Congress since January 3, 2021, including but not limited to:
 - a) its illegitimate actions taken under Title 3 of the United States Code in counting the Electoral College votes and confirming Joe Biden as President-Elect;
 - b) its actions taken to impeach and convict the 45th President Donald John Trump;
- (3) Enjoin the Department of Justice, the Federal Bureau of Investigation, and any other federal agency from arresting and/or holding in custody Plaintiff's undersigned lead counsel, Paul M. Davis and co-counsel, Kellye SoRelle, and any plaintiff or potential witness in relation to their exercise of their own exercise of civil rights by their attendance at the January 6, 2021 protest in Washington, D.C. absent a showing for good cause by clear and convincing evidence that said counsel committed some overt and intentional act of violence that directly resulting in substantial injury to the person of another, as such actions would amount to nothing more than an effort to intimidate and silence Plaintiffs and deprive them of the exercise of civil rights to bring this action under 42 U.S.C. §§ 1983, 1985, 1986 and their rights under the Constitution and which would amount to further civil rights violations by public officials acting under color of the law; and
- (4) Order the only lawfully and constitutionally remaining federal public official, The Honorable Donald John Trump, 45th President of the United States of America to take all reasonable and necessary action consistent with the Take Care Clause of Article II, Section 1 and all the original intents and purposes of the Constitution of the United States to preserve the lawful and orderly continuity of government.

**IX.
PRAYER**

WHEREFORE, Plaintiffs respectfully request that the Court immediately grant their Emergency Motion and enter the attached Temporary Restraining Order Against Defendants.

Submitted to the Honorable Court this 19th day of January, 2021.

/s/ Paul M. Davis

Paul M. Davis
Texas Bar Number 24078401
Admitted to Western Dist. TX
Former Associate General Counsel of
Goosehead Insurance, Inc.
(Terminated after peacefully protesting)
Now Solo Civil Rights Attorney

Kellye SoRelle
Texas Bar Number 24053486
Pro Hac Vice Application Forthcoming¹²

ATTORNEYS FOR PLAINTIFFS

[No Certificate of Service as this Motion Requests Ex Parte Relief]

¹² Contact info omitted for privacy and security purposes.